

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODGING) NO.2812 OF 2007

Mohamed Quasim Ansari & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

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Mr.S.G.Surana for Petitioners.

Mr.G.D.Utangale i/b Utangale & Co. for Respondent
No.3.

Mr.G.S.Rao i/b Lex Consultus for Respondent No.6.

Mr.S.U.Kamdar with Mr.G.S.Rao i/b Lex Consultus for
Respondent No.7.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 20, 2007.

P.C.

1. Heard Counsel for the parties.

2. Insofar as the order passed by the
Revisional Authority to relegate the parties for
consideration of the Appeal afresh on its own
merits, needs no interference. The parties will be
free to agitate all questions before the Appellate

Authority as may be available to them. The Appellate Authority will be free to take appropriate decision on those issues in accordance with law.

3. The Petitioners, however, apprehend that the Administrator, taking advantage of the remand order, is likely to take forcible charge of the affairs of the Society. There is no reason to entertain such apprehension, especially when the Revisional Authority has relegated the parties before the Appellate Authority with clear understanding that the status-quo as obtained at the time of pendency of Appeal to be preserved by the parties till the decision of the Appeal. If any communication has been sent by the Administrator, which conveys any contrary meaning, that shall not be given effect to by the Administrator. The Respondents 1 to 4 to ensure that the above position is meticulously observed by the Administrator and all concerned.

4. The Appellate Authority to decide the proceedings as expeditiously as possible,

preferably within three months from the receipt of intimation of this order.

5. If any adverse order is passed against the Petitioners by the Appellate Authority, the same shall not be given effect to for a period of ten days from the date of service/intimation of that order to the Petitioners.

6. The Petitioners to take steps to implead Respondents 6 and 7 herein as party Respondents in the pending Appeal. The Appellate Authority will give opportunity to the said newly added Respondents to raise issues as may be permissible in law.

7. With these observations, Petition is disposed of.

A.M.KHANWILKAR, J.